

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TEXARKANA DIVISION**

CHRISTOPHER ROBERTS,

Plaintiff,

v.

WARDEN SHUR, *ET AL.*,

Defendants.

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CIVIL ACTION NO. 5:22-CV-61-RWS-JBB

ORDER

Before the Court is Plaintiff Christopher Roberts's civil rights action complaining of alleged deprivations of his constitutional rights. Docket No. 1. The case was referred to United States Magistrate Judge Boone Baxter in accordance with 28 U.S.C. § 636. The Magistrate Judge issued a Report recommending that the lawsuit be dismissed without prejudice for failure to prosecute and failure to state a claim upon which relief may be granted. Docket No. 2. Plaintiff, upon receipt of the Report, requested additional time to file objections. Docket No. 3. On February 29, 2024, the Magistrate Judge granted Plaintiff's motion for an extension of time to object and instructed Plaintiff to file his objections within 30 days from receipt of the order. Docket No. 4. To date, Plaintiff has not filed objections.

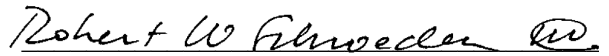
Because no objections have been received, Plaintiff is barred from *de novo* review by the District Judge of the Magistrate Judge's proposed findings, conclusions and recommendations and, except upon grounds of plain error, from appellate review of the unobjected-to factual findings and legal conclusions accepted and adopted by the District Court. *See Duarte v. City of Lewisville, Texas*, 858 F.3d 348, 352 (5th Cir. 2017); *Arriaga v. Laxminarayan*, Case No. 4:21-CV-00203-RAS, 2021 WL 3287683, at *1 (E.D. Tex. July 31, 2021).

The Court has reviewed the pleadings in this case and the Report of the Magistrate Judge. Upon such review, the Court has determined the Report of the Magistrate Judge is correct. *See United States v. Wilson*, 864 F.2d 1219, 1221 (5th Cir. 1989) (where no objections to a Magistrate Judge's Report are filed, the standard of review is "clearly erroneous, abuse of discretion and contrary to law"). Accordingly, it is

ORDERED that the Report of the Magistrate Judge (Docket No. 2) is **ADOPTED** as the opinion of the District Court. It is further

ORDERED that the above-captioned action is **DISMISSED WITHOUT PREJUDICE** for failure to prosecute and state a claim upon which relief may be granted.

So ORDERED and SIGNED this 17th day of May, 2024.


ROBERT W. SCHROEDER III
UNITED STATES DISTRICT JUDGE